

REMARKS/ARGUMENTS

Claims 1, 3-5, 11, 17-21, 30, and 53-59 are pending. This is in response to the Notice of Non-Compliant Amendment dated August 15, 2003. Pursuant to Examiner's request, enclosed herewith is a new list of pending claims, including previously canceled claims. The remarks below are duplicated from Applicant's previous submitted Amendment.

Claims 1, 11, 17, 30, 53 and 59 have been amended to correct informalities and to comply with §112. Independent claims 1, 17 and 53 have been amended to recite that the messages sent to the integrated digital camera apparatus include "advertisements and at least one of warranty registration forms and questionnaires." It is submitted that no new matter has been added to the claims.

§103 Rejections:

The Examiner rejected claims 1,3-5, 11, 17-21, 30 under 35 USC § 103 (a) as being unpatentable over Reelee et al. (U.S. 5,893,037) in view of Ilcisin et al. (U.S. 5,880,770) further in view of Itakura et al. (U.S. 6,351,745). Claims 53-59 were rejected under 35 USC § 103 (a) as being unpatentable over Itakura in view of Marinus et al. (US 5606,365). Applicant respectfully disagrees.

Reelee is directed to a combined electronic/film camera that is capable of transmitting electronic image data using a conventional cellular telephone. The system includes a camera and a separate cellular telephone that can be electrically coupled to the camera. The digital images captured by the camera are supplied to the cellular telephone, which transmits the digital image signals to a remote location (Abstract). The cellular telephone has a voice generator to provide the operator with audible voice messages indicative of various operating conditions of the cellular telephone or camera. Messages can be communicated to the operator either by display or through use of the voice generator.

Ilcisin provides a messaging system wherein third party messages are displayed on video phones during the setup of a video phone call. When a calling party initiates a video phone call to a second party an initial connection to a transmission system, a communications system sends messages in the form of video images for display on the video screen of the video phone. When connection is made to the videophone of the second party, messages are displayed on the display of the second party (col. 2, lines 49-60).

Itakura teaches a communication system for distributing messages and advertisements to user's computers over the Internet. The computers are connected to an information provider, which in turn is connected to a pay system that includes a message distribution apparatus. The messaging distribution apparatus transmits the advertisements over the Internet, which are then received by a message manager in the information provider and stored in a message database. Software in the user's computer request messages from the message manager. (Col. 7, line 52 - Col. 8, line 21). When receiving a request, the message distribution apparatus retrieves information from a message user database, and searches for a message in the message database using the user information. (Col. 10, lines 48-52). The message is then sent to the computer over the network for display.

A combination of the references would provide a system where a camera is connected to a separate cellar telephone that is capable of transmitting captured images to a remote location as in Reelee. During call set-up, messages, including advertisements, would be transmitted to the cell phone and displayed to the user as in Ilcism and Itakura.

In contrast, the claims of the present invention are directed to an integrated digital camera apparatus that includes an image capture apparatus, transceiver apparatus, automatic signal transmission apparatus, and code apparatus, all in one housing, as recited in claim 1. Such an integrated digital camera is not taught by the combination since Reelee, the primary reference,

clearly teaches a separate camera and cell phone. In addition, claim 1 limits the transceiver apparatus “to sending and receiving messages” that does not include “digital image data.” Although Reeley teaches that the combination cell phone/camera can receive messages, Reeley also requires that the cell phone transmit images from the camera to a remote location.

The combination of references also fails to teach the type of messages received by the integrated digital camera. The claims as amended recite that the “messages include advertisements and at least one of warranty registration forms, and questionnaires.” In contrast, Itakura teaches that messages may include advertisements, but not warranty registration forms or questionnaires.

In addition to the failings above, it is also believed the combination of references fail to teach or suggest “sorting the messages into categories based on individual users and categories of users; and transmitting from said message center to the camera, messages that match the categories associated with the user” as recited in claim 53. Itakura teaches retrieving messages based on user information, but is silent as to grouping messages by category.

Not only do the claims of the present invention distinguish over the combination, it is also submitted that there is no teaching or suggestion supporting the combination. It is well settled that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion, or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577 (Fed. Cir. 1984). Reeley relates to a combination cell phone/camera, Ilcisin relates to video phones, and Itakura relates to communication over the Internet. It is respectively submitted that the cited references do not suggest (expressly or by implication) combining the teaching of the references to produce the present invention as claimed.

It is also submitted that one skilled in the art, e.g., a traditional camera manufacture,

would not have any incentive or motivation to look to Itakura for solutions to the problem of how to promote an ongoing business relationship with customers after sale of the camera. Itakura is directed to Internet technology and how to send adds to computers, not digital cameras. There is simply no suggestion in Itakura (express or implied) that the pay system could be utilized in a non-networked environment to send adds and warranty information to a hand held digital camera, as claimed.

Absent such a suggestion, it is believed the rejection based on a combination of Reece, Ilcisin, and Itakura is improper. "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious...one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fritch, 972 F.2d 1260, 23 USPQ.2d 1780 (Fed. Cir. 1992).

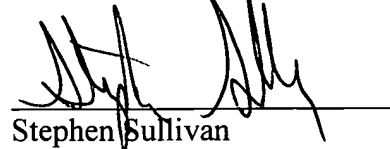
Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 17, and 53 is neither taught nor suggested by the references. Applicant further submits that the dependent claims are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1, 3-5, 11, 17-21, 30, and 53-59 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

A handwritten signature in black ink, appearing to read 'Stephen Sullivan', is written over a horizontal line.

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August 27, 2003
Date